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EXAMINER
STORK, KYLE R

ART UNIT	PAPER NUMBER
2178	

DATE MAILED: 12/02/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)
Office Action Summary	09/944,131	TISCHER, ROBERT
	Examiner	Art Unit	
	Kyle R. Stork	2178	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on <u>*19 September 2005*</u>.

2a) ☐ This action is **FINAL**.   2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) *1-4,7-18 and 23-26* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) *1-4, 7-18, and 23-26* is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a) ☐ All   b) ☐ Some * c) ☐ None of:

      1. ☐ Certified copies of the priority documents have been received.

      2. ☐ Certified copies of the priority documents have been received in Application No. _____.

      3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: _____.

DETAILED ACTION

1.   This non-final office action is in response to the request for continued

examination filed 19 September 2005.

2.   Claims 1-4, 7-18, and 23-26 are pending. Claim 1 is independent. The rejection

of claims 1-4, 7-18, and 23-26 under 35 U.S.C. 103 have been withdrawn.

Oath/Declaration

3.   The declaration under 37 CFR § 1.132 is acknowledged by the examiner.

Claim Objections

4.   Claims 1-4, 7-18, and 23-26 are objected to because of the following

informalities: Claim 1 contains the phrase, "... operate in a peer-to-peer environment

without need for a central server... (line 5)" This limitation does not limit the system

from having a central server. It merely states that the system does not "need" a central

server. Appropriate correction is required.

5.   Claim 11 is objected to because of the following informalities: The applicant uses

the phrase, "... the roles that an author may play..." This does not require that the

author actual assume one of these roles, simply that the author may assume one of the

roles. Appropriate correction is required.

6.   Claims 15 and 23 are objected to because of the following informalities: The

applicant uses the phrase, "wherein said context author can administrate... (limitation

(vi))" The fact that the context author "can" perform a function does not require that the function occurs. Appropriate correction is required.

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

8. Claims 1-4, 7-18, and 23-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rickards, III et al. (US 2002/0107994, filed 9 December 2000, hereafter Rickards) and further in view of Dean et al. (US 2002/0152244, filed 22 December 2000, hereafter Dean).

As per independent claim 1, Rickards discloses a system for producing a distributed document having an ordered compilation of information,

- The system comprising multiple fragment editor executables that function cooperatively as one implemented document, wherein said multiple fragment editor executables are distributed among multiple sites of a computer network and operate in a peer-to-peer environment without need for a central server (paragraph 0016: Here, the document is divided into several fragments, each able to be independently edited by a controlling user on a network; paragraphs 0050-0052: Here, the system may be implemented in a peer-to-peer network)

- The system allowing multiple authors to edit the distributed document
  contemporaneously while allowing each of the multiple authors to view the edits
  made by others of the multiple authors contemporaneously (paragraphs 0016-
  0052)

Rickards fails to specifically disclose wherein the document is a DTD. However, Dean

discloses use of a DTD (paragraph 0096). It would have been obvious to one of

ordinary skill in the art at the time of the applicant's invention to have combined

Rickards and Dean, since it would have allowed a user to define conformance rules for

document fragments (Dean: paragraph 0096).

As per dependent claim 2, Rickards discloses wherein replicates of the complete

document reside at the multiple sites of the computer network (paragraph 0023-0027:

Here, each user has a copy of the document segments and may make suggestions of

changes to an author or controlling user of a segment).

As per dependent claim 3, Rickards discloses wherein an edit made by any one

of the multiple authors is propagated among the replicates residing at the multiple sites

of the computer network (paragraph 0036: Here, changes are "pushed" to users of the

document).

As per dependent claim 4, Rickards discloses wherein an edit made by any one

of the multiple authors is immediately propagated among the replicates residing at the

multiple sites of the computer network (paragraph 0036).

As per dependent claim 7, Rickards discloses wherein an edit made by any one of the multiple authors is propagated as an atomic transaction among the replicates residing at the multiple sites of the computer network (paragraph 0036).

As per dependent claim 8, Rickards discloses wherein the replicates reside in computer memory at the multiple sites of the computer network (paragraph 0085).

As per dependent claim 9, Rickards discloses wherein the replicates are persisted by writing to computer hard disks at the multiple sites of the computer network (paragraph 0036).

As per dependent claim 10, Rickards discloses wherein each author of the multiple authors is assigned an entity type having associated therewith corresponding executables that define the role an author can play in crating distributed document (paragraphs 0023-0027).

As per dependent claim 11, Rickard discloses wherein the roles in creating the distributed document include: root context author, context author, and content author (paragraph 0088: Here, the Collaboration Engine Components act as the root context author and the context author, specifying the divisions and updates, and further the administrative tasks contingent upon these divisions and updates; paragraph 0016-0027: Here, a controlling user as the content author).

As per dependent claim 12, Rickard discloses wherein a subscriber can view edits made by one or more of the multiple authors (paragraphs 0023-0027: Here, each author acts as a subscriber with respect to the edits made by the other multiple authors).

As per dependent claim 13, Rickards fails to specifically disclose use of an SGML document. However, Dean discloses use of an SGML document (paragraph 0096). It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to have combined Rickards and Dean with Dean, since it would have allowed a user to specify document rules (Dean: paragraph 0096).

As per dependent claim 14, Rickards fails to specifically disclose use of an SGML document selected from the group consisting of XML and HTML. However, Dean discloses use of an SGML document selected from the group consisting of XML and HTML (paragraph 0096). It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to have combined Rickards and Dean with Dean, since it would have allowed a user to specify document structure rules (Dean: paragraph 0096).

As per dependent claim 15, Rickards discloses the system comprising:

- (a) executable computer code for a root context author generator comprising:
    - (i) computer code for creating root node associated executable code for at least one root context author wherein the root context author is editor type (paragraph 0019: Here, the Collaboration Engine divides the document into several nodes)
    - (ii) computer code for distribution through a communication medium to the root context author said executable code (paragraphs 0016-0019 and 0087)
- (b) executable computer code for said root context author comprising:

- o (iii) computer code for maintaining and updating a recordation of each node added to a document (paragraph 0028: Here, a user can update a segment and the update will be propagated along with a digital signature specifying that the document has been updated and the updating user)

- o (iv) computer code for creating an initial user interface wherein said user interface receives and displays the content of said document from other nodes and said interface enables said root context author to enter content edits in an assigned area of said document (paragraph 0036)

- o (v) computer code for propagating content changes from said root context author to all other replicate view nodes at author and subscriber sites (paragraph 0036)

- o (vi) computer code for creating root node associate executable code for at least one target node wherein the type of said target node is selected from the group consisting of a context author and a content author wherein said context author can administrate and is editor type and said content author is editor type (paragraph 0016)

- o (vii) computer code for distributing through a communication medium to said target node said root node associated executable code (paragraph 0087)

- o (viii) computer code for creating subscriber executable code for at least one target subscriber wherein said target subscriber is not editor type

(paragraphs 0023-0027: Here, users that may suggest changes but is not
the controlling user acts as a subscriber)

- o (ix) computer code for distributing through a communication medium to
  said target subscriber said subscriber executable code (paragraph 0018)

- o (x) computer code for said administration wherein said administration
  comprises the ongoing granting and revoking of descendent node
  privileges, the ongoing configuration of descendent node user interfaces,
  and the ongoing configuration of descendent node supplementary
  computer code (paragraphs 0023-0027 and 0088)

- o (xi) code for populating said document at startup (paragraphs 0018 and
  0036: Here, the updated document is pushed to a user upon startup)

- (c) executable code for said context author wherein the context author
  comprises:

  - o (xii) computer code for maintaining and updating a recordation of each
    node added to a document (paragraph 0028)

  - o (xiii) computer code for a user interface wherein said user interface
    receives and displays the content of said document and said interface
    enables said context author to enter content edits in the assigned area of
    said document (paragraph 0036)

  - o (xiv) computer code for propagating content changes from its own node to
    all other replicate view nodes at author and subscriber sites (paragraph
    0036)

- o (xv) computer code for responding to an administrative request (paragraphs 0018 and 0036: Here, the administrative request updates a user system with the current document)

- o (xvi) computer code for creating node associate executable code for at least one target node wherein said target node is selected from the group consisting of a context author and a content author wherein said context author can administrate and is editor type and said content author is editor type (paragraph 0016)

- o (xvii) computer code for distributing through a communication medium to said target node said associated executable code (paragraph 0087)

- o (xviii) computer code for creating subscriber executable code for at least one target subscriber wherein said target subscriber is not editor type (paragraphs 0023-0027)

- o (xix) computer code for distributing through a communication medium to said target subscriber said subscriber executable code (paragraph 0018)

- o (xx) computer code for said administration wherein said administration comprises the ongoing granting a revoking of descendent node privileges, the ongoing configuration of descendent node user interfaces, and the ongoing configuration of descendent node supplementary computer code (paragraphs 0023-0027 and 0088)

- o (xxi) computer code for populating the document at startup (paragraph 0018 and 0036)

- (d) executable code for said content author wherein the content author comprises:

    o . (xxii) computer code for maintaining and updating a recordation of each node added to a document (paragraph 0028)

    o (xxiii) computer code for a user interface wherein said user interface receives and displays the content of said document and said interface enables said content author to enter content edits in the assigned area of said document (paragraph 0036)

    o (xxiv) computer code for propagating content changes from its own node to all other replicate view nodes at author and subscriber sites (paragraph 0036)

    o (xxv) computer code for responding to an administrative request paragraphs 0018 and 0036)

    o (xxvi) code for creating subscriber executable code for at least one target subscriber wherein said target subscriber is not editor type (paragraphs 0023-0027)

    o (xxvii) computer code for distributing though a communication medium to said target subscriber said subscriber executable code (paragraph 0018)

    o (xxviii) computer code for populating said document at startup (paragraphs 0018 and 0036)

- (e) executable code for said subscriber wherein said subscriber comprises:

- o (xxix) computer code for a user interface wherein said user interface receives and displays the content of said document (paragraph 0088)

- o (xxx) computer code for responding to an administrative request paragraphs 0018 and 0036)

- o (xxxi) computer code for populating said document at startup (paragraphs 0018 and 0036)

As per dependent claim 16, the applicant discloses the limitations similar to those in claim 13. Claim 16 is similarly rejected.

As per dependent claim 17, the applicant discloses the limitations similar to those in claim 14. Claim 17 is similarly rejected.

As per dependent claim 18, Rickards fails to specifically disclose wherein the root context author and the context author are semantically valid elements within a DTD. However, Dean discloses validating using a DTD (paragraph 0096). It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to have combined Rickards and Dean with Dean, since it would have allowed a user to specify structure rules (Dean: paragraph 0096).

As per dependent claims 23-26, the applicant discloses the method for producing the system of claims 15-18 respectively. Claims 23-26 are similarly rejected.

Response to Arguments

9.   Applicant's arguments with respect to claims 1-4, 7-18, and 23-26 have been considered but are moot in view of the new ground(s) of rejection.

As disclosed above, the Rickard and Dean references have been added to address the applicant's amended claim limitations.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kyle R. Stork whose telephone number is (571) 272-4130. The examiner can normally be reached on Monday-Friday (8:00-4:30).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephen Hong can be reached on (571) 272-4124. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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